

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7065**

**BILL NUMBER: SB 316**

**NOTE PREPARED: Feb 20, 2004**

**BILL AMENDED: Feb 19, 2004**

**SUBJECT:** Employment Absence for Volunteer Firefighters.

**FIRST AUTHOR:** Sen. Lewis

**FIRST SPONSOR:** Rep. Robertson

**BILL STATUS:** CR Adopted - 2<sup>nd</sup> House

**FUNDS AFFECTED: X GENERAL  
DEDICATED  
FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill prohibits a political subdivision from disciplining an employee who is a volunteer firefighter for being absent from employment when the employee is responding to a fire or emergency call. It specifies that this absence is not a violation of the ghost employment statute, and that the supervisor of the employee who has authorized the absence has not committed ghost employment. It allows the employee to initiate a civil action against a political subdivision employer who disciplines the employee for this reason. The bill also authorizes a political subdivision employer to request proof that the employee was engaged in fire or emergency activity when absent.

**Effective Date:** July 1, 2004.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** This bill allows an employee of a political subdivision, who volunteers as a firefighter and is disciplined for being absent from work because of responding to a fire or emergency, to bring a civil action against the political subdivision employer. In the action, the employee may seek payment for back wages, reinstatement to a former position, fringe benefits, and seniority benefits wrongly denied the employee.

*Court Fee Revenue:* If additional civil actions occur, revenue to the state General Fund may increase if court fees are collected. A civil filing fee of \$100 would be assessed when a civil case is filed. 70% of the filing fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** Political subdivisions; trial courts; and city and town courts, and local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Valerie Ruda, 317-232-9867.